laws, by arbitrarily separating wage-earners from other classes of people, and providing for them a different rule of action.

This decision becomes of local interest in Virginia, in view of a statute of similar import in this State. See Acts 1895–6, p. 324; 1897–8, p. 667.

PLEA OF ANOTHER PENDING SUIT—FEDERAL AND STATE COURTS FOREIGN TO EACH OTHER.—In *International etc. R. Co.* v. *Barton* (Texas), 57 S. W. 272, it is held that the pendency of a prior action in a Federal court will not abate an action for the same cause between the same parties, pending in the State court, though both courts sit in the same State, and have the same territorial jurisdiction.

The authorities are in conflict, but the court follows what is conceived to be the weight of authority, citing *Cooper* v. *Newell*, 173 U. S. 555, 19 Sup. Ct. 506, 43 L. Ed. 808; *Gordon* v. *Gilfoil*, 99 U. S. 169, 25 L. Ed. 383; *Hyde* v. *Stone*, 20 How. 170, 15 L. Ed. 874; *The Kalorama*, 10 Wall. 204, 19 L. Ed. 944; *Stanton* v. *Embrey*, 93 U. S. 548, 23 L. Ed. 983; *Insurance Co.* v. *Harris*, 96 U. S. 331, 24 L. Ed. 959; *Short* v. *Hepburn*, 21 C. C. A. 252, 75 Fed. 113; *Latham* v. *Chafee* (C. C.), 7 Fed. 520; *Logan* v. *Greenlaw* (C. C.), 12 Fed. 10; *Crescent City Live-Stock, Landing & Slaughter-House Co.* v. *Butchers' Union Live-Stock, Landing & Slaughter House Co.* (C. C.), 12 Fed. 225; *Weaver* v. *Field* (C. C.), 16 Fed. 22; *Hurst* v. *Everett* (C. C.), 21 Fed. 218; *Briggs* v. *Stroud* (C. C.), 58 Fed. 720; *Coe* v. *Aiken* (C. C.), 50 Fed. 640; *Pierce* v. *Feagans* (C. C.), 39 Fed. 587; *Beekman* v. *Railway Co.* (C. C.), 35 Fed. 3; *Rejall* v. *Greenhood* (C. C.), 60 Fed. 786; *Merritt* v. *Barge Co.*, 24 C. C. A. 530, 79 Fed. 228; *Zimmerman* v. *So Relle*, 25 C. C. A. 518, 80 Fed. 419; *Hughes* v. *Green*, 28 C. C. A. 537, 84 Fed. 833; *Bank* v. *Bonney*, 101 N. Y. 173, 4 N. E. 332; *Litchfield* v. *City of Brooklyn* (City Ct. Brook.), 34 N. Y. Supp. 1090; *Checkley* v. *Steamship Co.*, 60 How. Prac. 511; *Wood* v. *Lake*, 13 Wis. 84; *Wurtz* v. *Hart*, 13 Iowa, 518; *Hampton's Heirs* v. *Barrett*, 12 La. 159; *Caine* v. *Railway Co.* (Wash.), 41 Pac. 904.

EASEMENTS—PROTECTION BY INJUNCTION.—The case of *Ives* v. *Edison* (Mich.), 83 N. W. 120, involves the question as to the circumstances necessary to call forth the powers of a court of equity in the protection of an easement. The facts were somewhat similar to those in the recent Virginia case of *Woods* v. *Early*, 95 Va. 307. The Michigan court cites the Virginia case with approval, and quotes from the opinion of Cardwell, J., as follows:

"Mr. Justice Story says: 'Where easements or servitudes are annexed by grant or covenant, or otherwise, to private estates, the due enjoyment of them will be protected against encroachments, by injunction.' 2 Story, Eq. Jur. sec. 927. It was said by Judge Burks in *Sanderlin* v. *Baxter*, 76 Va. 305: 'Damages in repeated suits would not compensate in such a case. The injury is irreparable, and calls for a preventive remedy, such as a court of equity only can furnish. That court constantly interposes by injunction where the injury is of that character. By the term 'irreparable injury' it is not meant that there must be no physical possibility of repairing the injury. All that is meant is that the injury would be a grievous one, or at least a material one, and not adequately reparable in damages.' See, also, Kerr, Inj. p. 199, c. 15, sec. 1; *Manchester Cotton Mills* v. *Town of Manchester*,